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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,468	02/12/2001	Joseph D. Lilly	05793.3051	6389
22852	7590	05/18/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,468

Applicant(s)

LILLY ET AL.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,26-43,60-66 and 72-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,26-43,60-66 and 72-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on January 13, 2006, which paper has been placed of record in the file.
2. Claims 1-10, 26-43, 60-66, and 72-78 are elected for consideration.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-10, 26-43, 60-66, and 72-78 have been considered but are not persuasive.

In response to applicant's arguments that Marshal does not teach presenting an offer for an extra credit line to each customer in the target customer group, examiner submits that Marshall teaches a bank automatically raising credit limit to good customers (see page 2, paragraph 6, "USAA Federal Savings Bank in San Antonio applied adaptive control to raise credit limits automatically on good customers in its military affinity card group"), or "a bank could authorize an overlimit purchase at the point of sale from a customer that computerized data suggests is a good risk" (see page 2, paragraph 11). Raising credit limit or authorizing overlimit purchase, i.e., offering extra credit limit, moreover, credit limit is known the same as credit line, thus offering extra credit limit is the same as offering extra credit line. Therefore, Marshall does teach presenting an offer for an extra credit line to each customer in the target customer group.

In response to applicant's arguments regarding to official notice taken, examiner submit that applicant has not submitted any rebuttal of the well known statements, but

has merely requested references disclosing the well known limitations. In the paragraph in MPEP 2144.03, reference is made to *In re Ahlert* 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970) that "Furthermore, the applicant must be given the opportunity to challenge the correctness of such assertion and allegations." Again, applicant has not challenged the correctness of the assertions, only the user of Official notice. Bald statements such as "the examiner has not provided proof that this element is well known" or "applicant hereby requests evidence in support thereof", are not adequate and do not shift the burden to the examiner to provide evidence in support of the official notice. Allowing such statements to challenge official notice would effectively destroy any incentive on the part of the examiner to use it in the process of establishing a rejection of notoriously well known facts (*In re Boon*, 169 USPQ 231 (CCPA 1971)).

In conclusion, for the reason set forth above, examiner decides to maintain the previous rejection and make this Office action FINAL.

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10, 26-43, 60-66, and 72-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall, United States Banker, v102n8, pp: 49-50.

Regarding to claim 1, Marshall discloses a method for providing at least one extra credit line to an existing credit card account, comprising:

determining a target customer group from a set of customers, wherein each customer in the set of customers holds an existing credit card account issued by a credit card issuer (page 1, An automated systems that score and analyze existing account behavior, helping banks decide who to remove from revolving credit and who **to offer more**; the system scores customers and sorts them into three groups: strong, need more information, and poor risk);

presenting an offer for an extra credit line to each customer in the target customer group (page 2, paragraph 6, raising credit limits on good customers).

Marshall does not teach processing responses to the offers from customers in the target customer group and activating at least one extra line of credit to the existing credit card account of each customer that has responded to the offer for extra credit. However, teach processing responses to the offers from customers in the target customer group and activating at least one extra line of credit to the existing credit card account of each customer that has responded to the offer for extra credit are well known in the art. For example, in the existing credit card system, customers usually receive the letter included credit cards by mail instructs the customers to activate credit cards by calling the toll free numbers of the credit card company. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Marshall's to adopt the well known feature above for purpose of enhancing the security, because in the activation process required the card holders provide the confidential information only known by the card holders. Moreover, Marshall does not teach notifying each customer who has responded to the extra credit offer of an activated status of the at least one extra credit line associated with the customer's credit card account. However, notifying each customer who has responded to the extra credit offer of an activated status of the at least one extra credit line associated with the customer's credit card account is well known in the art. For example, in the existing credit card system, customers usually receive the credit card statements included credit limits, outstanding balances, interest applied, purchase histories, special offers, etc... Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was

made to modify Marshall's to adopt the well known feature above for the purpose of providing account information to the credit card customers.

Regarding to claim 2, Marshall does not teach wherein the target customer group includes at least one web site customer that has accessed a web site offered by the credit card issuer, and wherein presenting offers includes: presenting the offer for extra credit on a page included in the web site; and receiving a response from the web site customer through the web site, and further wherein notifying each customer includes presenting a message indicating the activated status of the extra credit line on another web page. However, presenting the offer and accepting the offer via a web site is well known in the art. Conventional Internet allows the customer to access many web sites to conduct financial transactions. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Marshall's to adopt the well known feature above for the purpose of providing more convenient and time consuming.

Regarding to claim 3, Marshall further teaches wherein the target customer group includes at least one point of sale customer that attempts to perform a purchase transaction at a point of sale terminal associated with a vendor, and wherein presenting offers further includes: sending a message indicating the offer for extra credit to the point of sale terminal; presenting the offer to the point of sale customer at the point of sale terminal; and processing a response to the offer from the point of sale customer (page 2, paragraph 11, "a bank could authorize an overlimit purchase at the point of sale from a customer that computerized data suggests is a good risk").

Regarding to claims 4-5, Marshall does not teach wherein presenting the offer to the point of sale customer further includes printing the offer for extra credit on a sales receipt associated with the purchase transaction, presenting the offer to the point of sale customer further includes displaying a message on a display at the point of sale terminal, wherein the message indicates to a user of the point of sale terminal to notify the point of sale customer of the offer for extra credit. However, printing the special offer on a sales receipt associated with the purchase transaction and presenting the special offer to the point of sale customer further includes displaying a message on a display at the point of sale terminal are well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Marshall's to adopt the well known feature above for the purpose of providing more convenient to customers in receiving special offer at the conventional point of sale terminal.

Regarding to claims 6-10, Marshall does not teach wherein processing responses includes: associating at least one vendor with the at least one extra line of credit that has been activated for each customer's credit card account, wherein the at least one extra line of credit may only be used for purchases that are associated with the at least one vendor; wherein associating at least one vendor with each extra line of credit that has been activated for each customer's credit card account further includes: determining a set of vendors to be associated with each customer's extra line of credit based on customer profile information; and adding the set of vendors to a customer vendor table associated with each customer who has responded to offer for extra credit;

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wherein determining the set of vendors further includes: presenting a list of vendors to each customer, and receiving from each customer vendors selected from the list of vendors; wherein the list of vendors are presented to each customer based on each customer's customer profile; wherein the at least one extra line of credit includes a first and a second extra line of credit, and wherein the first line of credit may only be used for transactions that are associated with a first vendor, and the second extra line of credit may only be used for transactions associated with a second vendor. However, restricting the vendors in purchasing using credit card is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Marshall's to adopt the well known features above for the purpose of reducing the risk for the credit card issuer.

Claims 26-33 contain similar limitations found on claims 1-10 above, therefore, are rejected by the same rationale.

Claims 34-43 are written in computer-readable medium that parallel the limitations found in claims 1-10 above, therefore, are rejected by the same rationale.

Claims 60-66 are written in means that parallel the limitations found in claims 26-32 above, therefore, are rejected by the same rationale.

Claims 72-78 are written in means that parallel the limitations found in claims 1, 2, 6-10 above, therefore, are rejected by the same rationale.

Conclusion

7. Claims 1-10, 26-43, 60-66, and 72-78 are rejected.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

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A handwritten signature in black ink, appearing to read "Nga Nguyen". The signature is fluid and cursive, with a long horizontal stroke at the end.

**NGA NGUYEN
PRIMARY EXAMINER**

March 28, 2006